

Reply to Office Action dated August 8, 2007

### **REMARKS**

Claims 1-2, 4-5, 10, 12, 68 and 71-72 are pending in this application. By this Amendment, claims 1, 10, 12, 68 and 71 are amended and claim 73 is canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, independent claim 10 is amended to include features of dependent claim 73. The other amendments are merely for clarity. No new issues are raised. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action objects to claim 1 and rejects claim 1 under 35 U.S.C. §112, second paragraph. It appears that the objection and rejection are merely because a period was missing from the amended independent claim 1. It is respectfully submitted that the above amendment to independent claim 1 obviates the grounds for objection and rejection.

The Office Action rejects claim 10 under 35 U.S.C. §102(b) by U.S. Patent 6,324,522 to Peterson et al. (hereafter Peterson). The Office Action also rejects claims 1-5 and 68-70 under 35 U.S.C. §103(a) over Peterson in view of U.S. Patent 6,085,171 to Leonard et al. (hereafter Leonard). Still further, the Office Action rejects claim 12 under 35 U.S.C. §103(a) over Peterson in view of U.S. Patent 5,963,915 to Kirsch. The Office Action also rejects claims 71-73 under 35 U.S.C. §103(a) over Peterson in view of U.S. Patent Publication 2002/042756 to Kumar et al. (hereafter Kumar). Applicants respectfully note that the Office Action lists the rejection of

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claims 71-73 based on Peterson in view of Leonard, although the written description of the rejection is based on Peterson in view of Leonard. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 10 recites a database server to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of tangible products. Independent claim 10 also recites an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies based on information about the respective dealing companies, wherein the information of the respective dealing companies used to restrict prescribed orders relates to past performances of the corresponding dealing companies.

The applied references do not teach or suggest at least these features of independent claim 10, which includes features of previous dependent claim 73. More specifically, the Office Action cites Peterson's col. 1, lines 18-26; col. 41, lines 51-61 and FIGs. 13-16 as teaching the claimed database server. However, these cited sections do not teach or suggest a database server to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of tangible products. Peterson also does not teach or suggest a database server to store order restriction information of a plurality of tangible products. FIGs. 13-16 do not suggest these features. Peterson does not teach or suggest all the features of the database server.

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Further, when discussing previous dependent claim 73, the Office Action relies on Kumar's paragraph [0033] for features relating to information of respective dealing companies used to restrict prescribed orders relates to past performances of the corresponding dealing companies. However, Kumar's paragraph [0033] does not teach or suggest these features. That is, Kumar does not relate to information relating to restrict prescribed orders relating to past performances of the corresponding dealing companies. There is no suggestion in Kumar's paragraph [0033] for stored information of past performances of dealing companies. Peterson also does not teach or suggest these features relating to past performances of the corresponding dealing companies. See, for example, Peterson's col. 5, lines 4-15 and FIGs. 13-16, which were relied upon in the Office Action to show features relating to the claimed order control set-up server. Peterson, Kumar and the other applied references do not teach or suggest an order control set-up server to restrict prescribed orders for each of the dealing companies based on past performances of the corresponding dealing companies, as recited in independent claim 10.

For at least the reasons set forth above, the applied references do not teach or suggest all the features of independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 68 recites a database server storing information relating to product order errors. Independent claim 68 also recites an order control server, the order control server obtaining information about the tangible products in the received orders and any associated product order errors stored in the database server, the order control server determining whether a product order error associated with a tangible product in the received orders is correct and

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executing a selective order control in accordance with the determination, wherein the product order errors are obtained by the order control server from a previously established error list in the database server, and wherein the product order errors in the previously established error list comprise dealing companies listed as bad errors.

The applied references do not teach or suggest at least these features of independent claim 68. More specifically, the Office Action (on pages 5-6) states that Peterson does not disclose a database server to store information relating to product order errors. The Office Action then cites Leonard's col. 1, lines 39-55; col. 2, lines 16-24; col. 12, lines 23-44 and FIG. 5 for these missing features. However, the cited sections of Leonard do not relate to stored information relating to product order errors that comprise dealing companies listed as bad errors. The cited sections of Leonard merely relate to, at best, checking for commonly encountered errors in order data. This does not relate to product order errors where the product order errors are obtained by the order control server from a previously established error list (in the database server), and wherein the product order errors in the previously established error list comprise dealing companies listed as bad errors, as recited in independent claim 68.

Additionally, Leonard relates to ordering a service. Thus, Leonard does not relate to a product order error associated with a tangible product. Therefore, there is no suggestion to combine Leonard's teaching with Peterson so as to obtain the alleged features.

For at least the reasons set forth above, Peterson and Leonard does not teach or suggest all the features of independent claim 68. The other applied references do not teach or suggest

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the missing features of independent claim 68. Thus, independent claim 68 defines patentable subject matter.

Independent claim 1 recites an order control server to gather information about tangible products ordered through the web server and respective product order error items stored in the database server, and to determine whether an error of a corresponding tangible product order is correct, and to execute a selective order control in accordance with the determination. Independent claim 1 also recites a divisional order processing server, coupled to the database server, to perform a scheduled order processing by providing a product shipment of a partial quantity of a total order quantity of an order-confirmed product at prescribed times, and the divisional order processing server to register items of the scheduled order processing to a temporary order information storage unit

The Office Action (on pages 5-6) states that Peterson does not disclose a database server to store information relating to product order errors. The Office Action then cites Leonard's col. 1, lines 39-55; col. 2, lines 16-24; col. 12, lines 23-44 and FIG. 5 for these missing features. However, the cited sections of Leonard do not teach or suggest stored information relating to product order errors that comprise dealing companies listed as bad errors. The cited section of Leonard merely relates to checking for commonly encountered errors to order data. This does not relate to product order errors.

The Office Action (on page 9) states that Peterson does not disclose the claimed divisional order processing server. The Office Action appears to state that Peterson discloses the structural limitations of the claimed divisional order processing server. Applicants respectfully

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submit that FIG. 1 and at least paragraph [046] of the present specification specifically discloses a divisional order processing server 61. The Office Action does not identify any structure in Peterson that corresponds to the claimed divisional order processing server (and/or the divisional order processing server 61). Applicants further submit that the policy/law cited in the Office Action relate to structural limitations of means-plus-function claims (or elements). These policies do not exactly apply in the present claim since independent claim 1 contains structures (other than means-plus-function).

The Office Action states that a claim containing the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus. The Office Action cites *Ex Parte Masham* for these features. However, independent claim 1 is not an “intended use” claim. The Office Action’s analysis regarding “intended use” is improper. *Ex Parte Masham* relates to an intended use for mixing flowing developer. Independent claim 1 does not include intended use limitations as in *Ex Parte Masham*.

Additionally, the Patent Office has misinterpreted and/or misapplied *Ex Parte Masham*. *Ex Parte Masham* relates to a prior art device that includes same structural requirements as the claimed features, namely a chamber and a stationary mixing means. However, independent claim 1 and Peterson do not disclose the same structural requirements. For example, independent claim 1 recites a divisional order processing server. Peterson does not disclose a divisional order processing server. Thus, the citation to *Ex Parte Masham* is inappropriate as *Ex Parte Masham* relates to a prior art device that included the same structural features. This differs from the

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present application in which the prior art reference does not specifically teach a divisional order processing server.

Peterson does not teach or suggest a divisional order processing server coupled to the database server, to perform a scheduled order processing by providing a product shipment of a partial quantity of a total order quantity of an order-confirmed product at prescribed times, and the divisional order processing server to register items of the scheduled order processing to a temporary order information storage unit, as recited in independent claim 1. Leonard and the other applied references do not teach or suggest the missing features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 10 and 68 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-2, 4-5, 10, 12, 68 and 71-72 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Serial No. **09/998,412**

Docket No. **K-0345**

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**Date: November 1, 2007**

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